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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,598	02/28/2002	Dale R. Langner	1528.025US1	1965

7590 03/11/2004  
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EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 03/11/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/086,598

**Applicant(s)**

LANGNER ET AL.

**Examiner**

Brent A Swarthout

**Art Unit**

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-13 and 21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of DeMers et al.

Snyder discloses an aircraft cockpit display with first and second regions displaying different parameters (Fig.4), with control inputs, except for specifically stating that controls, including transponder control are located in the bezel surrounding the display.

DeMers teaches desirability of including controls in the bezel surrounding a display, in order to control display settings without having to look away from the display (abstract, Fig.1, cols. 4-10, col.9, line 38).

It would have been obvious to utilize bezel controls as suggested by DeMers in conjunction with a cockpit display as disclosed by Snyder, in order to allow manipulation of displays without looking away from the display.

Regarding claims 2-6, Snyder teaches use of autopilot and flight control settings (Fig.5), with labeling and horizontal/vertical arrangements (Figs. 4-5).

Regarding claim 11, choosing different colors for settings would have been obvious, to allow particular settings to be more easily recognized at a glance.

2. Claims 14,16-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of DeMers et al. and Bomans et al. (913).

Bomans teaches desirability of using first and second like displays immediately adjacent one another (Fig. 2).

It would have been obvious to use like displays near each other as taught by Bomans in conjunction with a system as disclosed by Snyder and DeMers, in order to allow a co-pilot to observe a display, or to have a redundant display in case of failure.

Regarding claim 16, Snyder (Fig. 4) and DeMers (cols. 4-10) disclose multiple different types of display data satisfying the claim language.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of DeMers et al., Bomans et al. (913) and Oder et al.

Oder teaches placing controls on bezels of multiple display instruments (Fig.1).

It would have been obvious to place controls on bezels for plural instruments in a system as disclosed by Snyder, DeMers and Bomans, in order to allow a pilot to avoid looking down to control settings on plural displays.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of DeMers et al. and Devino.

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Devino teaches desirability of a cockpit display housing to have flight sensors on the rear side of the display and bezel (Fig. 1).

It would have been obvious to have sensors included on the back side of a display, in order to allow the unit to be installed more easily, and permit the display to function even if primary sensors were defective.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).


Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

b. Claims 1-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,696,980 in view of Snyder, Demers et al., Bomans et al. (913), Oder et al and Devino. Langner discloses an aircraft display with controls mounted on the bezel substantially as claimed, except for only minor differences, which are taught by the secondary references, as previously set forth in paragraph Nos. 1-4.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 703-305-4383. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brent A Swarthout  
Examiner  
Art Unit 2636

**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**